

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

Page 1 of 11

18-1738 [Briefs](#)
Freestone Coal Co., Inc. v. Herbert Roberts

BLACK LUNG: Whether employer was properly designated as responsible operator, or whether Black Lung Disability Trust Fund should be liable for claim instead.

19-1410 [Briefs](#)
Richard Roe v. DOD
(Brinkema)

INJUNCTION: Challenge to preliminary injunction prohibiting discharge of active-duty members of the Air Force on grounds that they are ineligible for deployment to Central Command due to HIV-positive status.

18-1112 [Briefs](#)
Angela Lawrence v. Andrew Saul
(Eagles)

SOCIAL SECURITY: Whether there is an apparent conflict between Lawrence's residual functional capacity and the Vocational Expert's testimony; applicability of harmless error review.

17-4760 [Briefs](#)
US v. Aaron Richardson
(Boyle)

CRIMINAL: Whether district court's personal feelings about dog fighting warranted recusal; procedural and substantive reasonableness of sentences.

Associations: 17-4770, 17-4761, 18-4023, 18-4024

PANEL I
Red Courtroom (Room 412)
9:30 a.m.

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

Page 2 of 11

18-6289	Briefs	CIVIL RIGHTS: Whether, on remand, this court's mandate limited district court to proceed as to only one defendant; deliberate indifference to inmate's seizure disorder.
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18-2034	Briefs	CIVIL: Whether Plaintiff has standing; related issues.
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18-1678	Briefs	CIVIL: Whether the district court erred in awarding attorneys fees to the Appellee as a prevailing party after the court dismissed the declaratory judgment action without prejudice; related issues.
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18-1979	Briefs	CIVIL: Whether de minimis overstatement of amount of a debt is actionable under the Fair Debt Collection Practices Act; other issues.

PANEL II
Butzner Courtroom 201
9:30 a.m.

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

Page 3 of 11

19-1614	Briefs	INJUNCTION: Challenge to preliminary injunction against enforcement of final HHS rule under Title X of Public Health Service Act.
Mayor and City Council v. Alex Azar, II (Bennett)		

18-4450	Briefs	SENTENCING: Whether district court adequately considered defendant's arguments and explained sentence.
US v. Apolonio Torres-Reyes (Howard)		

18-1877	Briefs	IMMIGRATION: Whether modified categorical approach was properly applied to Virginia statute; other issues.
Hassan Bah v. William Barr Associations: 18-2106		

18-2514	Briefs	IMMIGRATION: Whether stop-time rule for cancellation of removal may render inadmissible an already-admitted lawful permanent resident not seeking admission to the United States.
Yonis Del Cid Argueta v. William Barr		

PANEL III
Blue Courtroom (Room 339)
9:30 a.m.

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

Page 4 of 11

18-6843	Briefs	CRIMINAL: Whether prior conviction for retaliation against witness, 18 U.S.C. section 1513(a)(1), constitutes violent felony under force clause of Armed Career Criminal Act.
US v. Jimmy Allred (Osteen)		

18-2409	Briefs	CONSTITUTIONAL LAW: Government appeal from grant of preliminary injunction to Medicare provider based on procedural due process claims arising from delay in obtaining ALJ hearing.
Accident, Injury and Rehab v. Alex Azar, II (Coggins)		

18-2441	Briefs	IMMIGRATION: Whether district court lacked subject matter jurisdiction over challenge to denial of I-130 petition; whether Adam Walsh Act applies retroactively.
Curtis Moore v. Denise Frazier (Flanagan)		

18-1657	Briefs	CONTRACT: Whether the district court correctly concluded that the workers' compensation exclusion in insurance policy applied to Appellant's claim; related issues.
United Financial Casualty Co. v. Greg Ball (Chambers)		

PANEL IV
Gold Courtroom (Room 348)
9:30 a.m.

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Wednesday, September 18, 2019

Page 5 of 11

18-6615	Briefs	CIVIL RIGHTS: Whether district court properly granted summary judgment for defendants on inmates claims that denial of showers and exercise violated Eighth and Fourteenth Amendment rights.
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18-4440	Briefs	CRIMINAL: Whether warrantless search of North Carolina postrelease supervisees residence violated Fourth Amendment; application of Chevron/Skidmore deference.
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18-2010	Briefs	EMPLOYMENT: Whether district court erred by granting summary judgment to employer on plaintiff's hostile work environment, retaliation, and state respondeat superior assault and battery claims.
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18-1974	Briefs	CIVIL RIGHTS: Appeal from summary judgment denial of qualified immunity to police officer on plaintiff's claims of excessive force.

PANEL V
Tweed Courtroom (Room 414-D)
9:30 a.m.

Wednesday, September 18, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Thursday, September 19, 2019

Page 6 of 11

16-4441 [Briefs](#)
US v. Jesmene Lockhart
(Conrad)

REHEARING EN BANC

18-1330 [Briefs](#)
Felipe Perez v. Lee Cissna
(Conrad)

REHEARING EN BANC

Butzner En Banc Courtroom 201
9:00 a.m.

Thursday, September 19, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

Page 7 of 11

18-0004	Briefs	HABEAS: Whether petitioner was entitled to habeas relief on capital murder conviction based on ineffective assistance of counsel.
Richard Moore v. Brian Stirling (Lewis)		

18-2133	Briefs	CIVIL RIGHTS: Whether Medicaid Act authorizes a private right of action under section 1983 to challenge exclusion of provider from state Medicaid program; other issues.
Planned Parenthood v. Joshua Baker (Lewis)		

18-4445	Briefs	CRIMINAL: Whether district court sufficiently addressed Defendant's sentencing arguments before imposing above-Guidelines-range sentence.
US v. Lewis Hines (Boyle)		

16-4304	Briefs	CRIMINAL: Whether Defendant was denied right to testify; whether court erred by proceeding with trial in Defendant's absence; other issues.
US v. Shahid Muslim (Conrad)		

PANEL I
Red Courtroom (Room 412)
8:30 a.m.

Friday, September 20, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

Page 8 of 11

14-6124	Briefs	HABEAS: Whether Falso may raise his challenge to a recidivist sentencing enhancement in a section 2241 motion under United States v. Wheeler, 886 F.3d 415 (4th Cir. 2018).
David Falso v. Eric Wilson (Gibney)		

17-2045	Briefs	CIVIL: Whether a litigant may pursue a qui tam action without the assistance of counsel.
Joseph Wojcicki v. SCANA Corporation (Childs)		

18-2098	Briefs	CIVIL RIGHTS: Cross-appeals from denial of qualified immunity to officers on false arrest claims and dismissal of unreasonable-search and governmental-interference-with-family claims.
Marianne Iacopelli v. Robert Bilyard (Duffy)		
Associations: 18-2099, 18-2101, 18-2102, 18-2103		

18-4609	Briefs	CRIMINAL: Whether equitable tolling or the district court's noncompliance with Fed. R. Crim. P. 32(j)(1)(B) excuses Marsh's untimely notice of appeal.
US v. Kirk Marsh (Trenga)		

PANEL II
Butzner Courtroom 201
8:30 a.m.

Friday, September 20, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

Page 9 of 11

18-1661	Briefs	CIVIL: Whether district court erred in granting summary judgment in favor of defendant on employment discrimination claims; related issues.
Phillip Faulconer v. Centra Health, Inc. (Moon)		

18-4414	Briefs	CRIMINAL: Whether Government satisfied interstate commerce nexus for Hobbs Act robbery; whether use of wires was reasonably foreseeable; other issues.
US v. Marcus Taylor (Blake)		
Associations:	18-4453	

18-4671	Briefs	CRIMINAL: Whether district court erred in denying motion to suppress evidence seized from residence pursuant to search warrant.
US v. Gary Jones (Groh)		

18-2026	Briefs	CIVIL: Appeal from dismissal of borrower's claims brought in response to impending nonjudicial foreclosure as barred by state statute of limitations for breach-of-contract claims.
Carlos Manotas v. Ocwen Loan Servicing, LLC (Brinkema)		

PANEL III
Blue Courtroom (Room 339)
8:30 a.m.

Friday, September 20, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

Page 10 of 11

18-2100 [Briefs](#)
Keith Ward v. AutoZoners, LLC
(Flanagan)
Associations: 18-2170

EMPLOYMENT: Cross-appeals from summary judgment for employer on constructive discharge claim and jury verdict for plaintiff on remaining claims; evidentiary issues; jury instructions; damages.

17-4071 [Briefs](#)
US v. Shelby Sherrod Petties
(Dever)

CRIMINAL: Whether government has forfeited review of argument that categorical approach does not apply; effect of US v. Davis, No. 18-431 (U.S. June 24, 2019).

18-4663 [Briefs](#)
US v. Anthony Helton
(Groh)

CRIMINAL: Whether conviction of voyeurism under South Carolina law is a sex offense requiring registration under the Sex Offender Registration and Notification Act.

17-7072 [Briefs](#)
Don Wilborn v. Andrew Mansukhani
(Norton)
Associations: 17-7097

HABEAS: Prisoner's standing to challenge BOP program statements; whether challenge is cognizable under 28 U.S.C. section 2241; whether program statements are unconstitutionally vague.

PANEL IV
Gold Courtroom (Room 348)
8:30 a.m.

Friday, September 20, 2019

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (9/18/2019 - 9/20/2019 Session)
Friday, September 20, 2019

Page 11 of 11

18-4524 [Briefs](#)
US v. Jurother Alston, Jr.
(Tilley)

CRIMINAL: Whether the court erred in denying motion to suppress.

17-4030 [Briefs](#)
US v. Eric Mejia-Ramos
Associations: 17-4060

CRIMINAL: Challenges to various evidentiary rulings in RICO conspiracy trial; Brady challenge.

18-4545 [Briefs](#)
US v. William Springer
(Berger)

SENTENCING: Whether district court erred in applying two-level enhancement for possession of a weapon.

18-4718 [Briefs](#)
US v. Ruslans Bondars
(O'Grady)

CRIMINAL: Challenges to jury instructions and sufficiency of evidence involving global cybercrime charges; other issues.

PANEL V
Tweed Courtroom (Room 414-D)
8:30 a.m.

Friday, September 20, 2019